

COUNTY OF ONONDAGA



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31 March 2022

(By CM/ECF.)

Hon. Thérèse Wiley Dancks
US Magistrate Judge
James Hanley Federal Building, US Courthouse
PO Box 7346
Syracuse, New York 13261-7346

Re: *Manes v Onondaga County* | ND NY | Case No. 5:19-cv-00844-BKS-TWD

Dear Judge Dancks:

Onondaga County (County) is represented by me.

This letter is County's response to plaintiff's 7 February 2022 letter to the Court (Dkt. No. 74) regarding unresolved discovery issues.

Depositions

County will not seek, but will be represented at, depositions of other parties and non-party witnesses.

County will produce for deposing the County's employees whose depositions are sought by other parties.

Rule 33 Interrogatories

County's response to plaintiff's Rule 33 interrogatories was served, 30 March 2022, on all other parties by email.

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Rule 36 Request for Admissions

County's response to plaintiff's Rule 36 request for admissions was served, 30 March 2022, on all other parties by email.

Rule 34 Document Production

County's response to plaintiff's Rule 34 request for document production was served, 7 January 2022, on all other parties by email.

County, not objecting to any of plaintiff's requests, produced approximately 500 pages of documents, as being all of the documents described by plaintiff's request which County has in its possession, custody, or control.

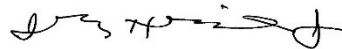
Nothing found by County was withheld as not relevant to any party's claim or defense. Nothing found by County was withheld as prepared in anticipation of litigation or for trial. Nothing found by County was withheld as privileged. Nothing found by County was withheld.

Plaintiff asserts that County's response is "grossly deficient as very few documents were produced while other highly-relevant documents that certainly exist have not yet been produced," and that, "[t]here are, undoubtedly, many other responsive documents that exist." Plaintiff points to the words of several newspaper articles, records of the state's environmental conservation department, and an opinion of the United States Court of Appeals for the Second Circuit as support for the assertions.

It's far from certainly or undoubtedly that other responsive documents exist. But, County takes plaintiff's point.

County will again perform a search for documents described by plaintiff's Rule 34 request and, by 1 May 2022, either produce all additional responsive documents found or inform all parties that no additional responsive documents were found.

Very truly yours,



John E. Heisler Jr.
Chief Deputy County Attorney